

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

DAVID LANEY and SANDY LANEY,)	
Attorneys in Fact for Shannon Laney,)	
)	
PLAINTIFFS,)	
)	
vs.)	CASE No. 09-CV-389-TCK-FHM
)	
SCHNEIDER NATIONAL CARRIERS,)	
INC., GHEORGAE POPOVICI, and)	
OLEKSANDR SHADYUK, LIBERTY)	
MUTUAL FIRE INSURANCE COMPANY,)	
INS INSURANCE, INC., and THE CITY)	
OF TULSA, OKLAHOMA,)	
)	
DEFENDANTS.)	

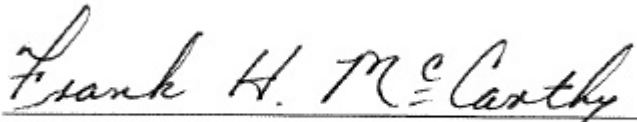
OPINION AND ORDER

This Order clarifies the Court's oral ruling during the telephone hearing held on May 27, 2010, Defendants' Joint Emergency Motion to Compel Plaintiff to Appear for Mental Examination [Dkt. 89].

The Court's oral ruling denying the motion was based on Defendants' unilateral selection of dates for the examination and Defendants' failure to bring the issue before the Court promptly when Plaintiff advised that she was not available for examination on the dates selected by Defendants. The Court's oral ruling should not be construed as a determination that Defendants are foreclosed from seeking a mental examination under Fed.R.Civ.P. 35 on some other date or dates or location amenable to the parties.

Defendants' Joint Emergency Motion to Compel Plaintiff to Appear for Mental Examination [Dkt. 89] is denied without prejudice to filing a motion under Fed.R.Civ.P. 35, which seeks an order for Plaintiff to appear for a mental examination on another date or dates.

SO ORDERED this day of 26th day of May, 2010.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE